

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 13-10200-GAO

UNITED STATES OF AMERICA

v.

DZHOKHAR A. TSARNAEV,  
Defendant.

DECORUM ORDER  
December 31, 2014

O'TOOLE, D.J.

To ensure that the trial and related proceedings in this matter are conducted in an orderly manner conducive to a fair adjudication, it is ORDERED that:

1. Trial of this matter will generally be held Monday through Thursday from 9:00 a.m. to 4:00 p.m. in Courtroom 9 of the John Joseph Moakley United States Courthouse. In most weeks, the trial will not be held on Fridays, except that it will be held on the Friday of a week in which the Court is closed on Monday for a public holiday. There will generally be a one-hour lunch recess between approximately 1:00 p.m. and 2:00 p.m., as well as a mid-morning break. This schedule is subject to amendment as conditions warrant.
2. No cameras or video or audio recording devices of any kind, including camera cell phones, camera tablets, video cameras (including video cell phones, video tablets, and video cameras connected to laptop computers), or devices with similar functionality are permitted in the trial courtroom or overflow locations at any time except as provided in this Order. Only attorneys who present appropriate credentials, court staff, and

credentialed members of the media may have cell phones, PDAs, Blackberries, tablets, laptops, or other digital or electronic devices in the courtroom or overflow locations.<sup>1</sup>

3. No person shall take any photograph, make any recording, or make any broadcast by any means, in the course of or in connection with any proceedings in this Court, on any floor of the courthouse on which proceedings of this Court are or, in the regular course of the business of the Court, may be held. Local Rule 83.3(a), D. Mass. This prohibition does not apply to the live feed transmitting the trial proceedings to overflow locations conducted by the clerk's office.

4. Trial Courtroom

- a. Doors to the trial courtroom will open at 8:30 a.m. Attendees in the trial courtroom may not converse or make gestures that are disruptive to the proceedings or distract jurors or witnesses. Attendees in the trial courtroom should remain seated until the Court recesses.
- b. No one observing the trial proceedings in the trial courtroom or any overflow location may wear or carry any clothing, buttons, or other items that carry any message or symbol addressing the issues related to this case that may be or become visible to the jury. This prohibition includes, but is not limited to, law

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<sup>1</sup> Pursuant to the District's Policy Regarding Electronic Devices, [a]ttorneys who present a valid bar card from any jurisdiction, together with two valid forms of identification, at least one with a photograph, are permitted to bring PDA's, laptop computers, and cellular telephones into the courthouse for business use. Members of the media . . . who present a District of Massachusetts ID card, together with two valid forms of identification, at least one with a photograph, are permitted to bring PDA's, laptop computers, and cellular telephones into the courthouse for business use. Authorized persons carrying these items will be required to submit them for x-ray and such other examination as deemed appropriate by court security personnel.

U.S. Dist. Courts Dist. of Massachusetts, Policy Regarding Electronic Devices (2014), *available at* <http://www.mad.uscourts.gov/general/electronic.htm> (last visited Dec. 22, 2014).

enforcement uniforms and badges, with the sole exception of on-duty Deputy United States Marshals, Court Security Officers, or Federal Protective Service Officers.

5. Overflow Locations for Public and Media

- a. Overflow seating will be available for the media and the general public in designated courtrooms. As necessary, additional seating may be available in the area around the Jury Assembly Room. Unless otherwise ordered, seating in the overflow locations is on a first-come, first-served basis.
- b. A Court Security Officer or other Court staff shall be present in overflow locations at all times when the Court is in session to enforce decorum and ensure compliance with this Court's orders.
- c. A live audio and video feed from the trial will be provided in the overflow locations. Cameras for the video feed will be fixed on the witnesses, counsel, the Court, and visual evidence displayed to the jury. The camera will not focus on the jury.
- d. Only credentialed members of the media are permitted to enter the media overflow courtrooms.

6. Jurors

- a. The names of the jurors shall not be revealed to the public or media in any fashion or form during the course of the proceedings. Any references to the jurors in public, including within the trial courtroom, shall be by juror number only.
- b. The Court will not permit any depictions or identification of individual jurors at any time during the course of the proceedings in any manner including, but not

limited to, photographs, videos, or identifying artistic renderings by sketch artists or any other individuals.

- c. Any attempt to contact the jurors or to interact with the jurors in any way is strictly prohibited during the conduct of the trial. Conversations, interviews, and written communications with prospective jurors before the completion of voir dire and with selected jurors, including alternates, before the Court discharges the jury at the conclusion of the proceedings, are prohibited.
  - d. When the jury has been discharged after its final verdict, any juror may consent to be interviewed by the media or other persons who are not parties, counsel, or their agents. Jurors are not obligated to discuss this case with anyone at the trial's conclusion, and once a juror indicates his or her desire not to discuss the trial, there should be no further attempts to contact that juror. Juror interviews by the parties, counsel, or their agents are forbidden except as may be specifically authorized and supervised by the Court. United States v. Kepreos, 759 F.2d 961, 967 (1st Cir. 1985).
- 7. In order to enter the courthouse, all individuals must present valid government-issued photo identification, such as a driver's license or passport.
  - 8. No food or beverages, other than water at counsel tables and the witness stand in the trial courtroom and for on-duty Deputy United States Marshals and Court Security Officers, is permitted in any courtroom.
  - 9. Counsel shall comply fully with Local Rule 83.2A.
  - 10. The United States Marshal and his Deputies shall be responsible for maintaining order and decorum in the courthouse. All orders given by the Marshal or his Deputies shall be

deemed orders of this Court and must be complied with promptly. Failure by any person to do so may subject such person to sanctions by the Court, including, but not limited to, exclusion from the trial courtroom or overflow locations.

11. This Order may be modified or amended at any time by the Court without notice.
12. Any violation of any portion of this Order by any person may result in exclusion from the trial courtroom or the courthouse, revocation of media coverage privileges, or other sanction as deemed appropriate by the Court.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.  
United States District Judge